IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

WRIT PETITION NO. 964 OF 2003

BETWEEN

Som Distilleries Limited, a Company incorporated under the Companies Act,1956, Registered Office 378, Prabhat Mansion ,14th Road, Khar (west) Mumbai-52 (Maharashtra) and corporate office at 23, Zone II Maharana Pratap Nagar, Bhopal (MP).

P.R. No. 2332/03
Presented by Shri S.P. Mudgal
dated 12.03.03

PETITIONER

A N D

1. The State of Chhattisgarh
Through the Secretary Department of Commercial Taxes (Excise) Mantralay, D.K.S.Building, Raipur.

2. The Commissioner of Excise,
State of Chhattisgarh, Raipur,
D.K.S.Building, Raipur, Tehsil and District Raipur (CG).

RESPONDENTS

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(29)

आदेश पत्रक

मामला क्रमांक L.P.A. 17/03 सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

DB: - Hon'ble Shri K. H. N. Kuranga, C.J.
& Hon'ble Shri L. C. Bhadoo, J.

18.07.2003

Shri Prashant Mishra, counsel for the appellant.

Dr. N.K. Shukla, Additional Advocate General for the State / respondents.

Heard both the counsel.

With the consent of both the counsel this L.P.A. and Writ Petition No. 964/2003 are disposed of.

The appellant / petitioner filed the aforesaid writ petition for quashing of the Circular dated 23-5-2001 which was annexed as Annexure-P/1 to the writ petition.

The appellant / petitioner filed M.(W.)P. No. 828/2003 for stay of the circular dated 23-5-2001. By the impugned order dated 7-4-2003 learned Single Judge has rejected the request on the ground that the Circular sought to be quashed was dated 23-5-2001 and about 22 months have elapsed and he declined to grant interim order and rejected the aforesaid M.(W.)P. No. No. 828/2003. It is this interim order dated

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(102)

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

7-4-2003 passed by the learned Single Judge has been challenged by the appellant in this L.P.A.

Shri Prashant Mishra counsel for the appellant / petitioner submitted that on behalf of the appellant / petitioner number of representations were submitted to the respondents. The latest representations were dated 7-5-2002 & 17-7-2002. He has produced the same along with this appeal, as Annexures-R/6 & P/7 and the respondents have not considered the representations submitted by the appellant / petitioner and have not passed by order.

Dr. N.K. Shukla, Additional Advocate General submitted that the respondents would consider the representation given by the appellant / petitioner within fifteen days from the date of receipt of a copy of this order and pass a speaking order. He also submitted that the appellant / petitioner may be directed to give a fresh representation if he desires. The appellant / petitioner is at liberty to file fresh representation if he desires.

In the circumstances, the respondents are directed to consider the representation submitted by the appellant / petitioner and pass an

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(101)

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

appropriate speaking order within fifteen days from the date of receipt of a copy of this order. If the appellant / petitioner wants to file fresh representations he may do so within three days from today. If such a representation is submitted by the appellant / petitioner, the respondents are directed to consider the same and pass detailed speaking order within fifteen days from the date of receipt of that representation.

With this observation, this L.P.A. and Writ Petition No. 964/2003 stand disposed of.

In view of this order, M.(C)P. No. 726/2003 and I.A. No. 4157/2003 stand disposed of.

Parties are entitled for certified copy of this order.

Sd/-
Chief Justice

Sd/-
L.C.BHADOO
Judge

Barred

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